

**TOWN OF GILBERT
PLANNING COMMISSION STUDY SESSION
COUNCIL CHAMBERS
50 E. CIVIC CENTER DRIVE
GILBERT, AZ
NOVEMBER 4, 2020**

COMMISSION PRESENT:

Carl Bloomfield, Chair
Jän Simon, Vice Chair
Brian Andersen
David Blaser
William Fay
Tyler Jones
Noah Mundt
Colby Ashton, Alternate (Online)
Anthony Bianchi, Alternate

COUNCIL LIAISON PRESENT:

Scott September

STAFF PRESENT:

Eva Cutro, Planning Division Manager
Ashlee MacDonald, Principal Planner
Stephanie Bubenheim, Sr. Planner
Sydney Bethel, Planner II
Josh Rogers, Planner II
Keith Newman, Planner II
Tom Condit, Development Engineering Manager
Clinton Emery, Assistant Town Traffic Engineer
Nancy Davidson, Assistant Town Attorney

RECORDER:

Dana Desing

CALL TO ORDER

Chair Carl Bloomfield called the November 4, 2020 Study Session of the Planning Commission to order at 5:05 p.m.

1. Appoint Zoning Hearing Officer and Alternate Zoning Hearing Officer.

Chair Bloomfield noted that this item was on the agenda last month, although it was postponed due to some questions and budgetary concerns. Eva Cutro advised that individual members of the Planning Commission who have completed a minimum of one year on the Commission may be designated as Zoning Hearing Officer and Alternate Zoning Hearing Officer. Chair Bloomfield called for nominations.

MOTION: Vice Chair Simon moved to appoint Noah Mundt as Zoning Hearing Officer; seconded by Commissioner Andersen. Motion passed 7-0.

MOTION: Commissioner Mundt moved to appoint Jän Simon as Alternate Zoning Hearing Officer; seconded by Commissioner Andersen. Motion passed 7-0.

2. DR20-133 THE MURPHY ON THE TRACKS: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 0.9 acres, generally located at the northwest corner of Guadalupe and Cooper Roads, and zoned Community Commercial (CC) with a Planned Area Development (PAD) overlay.

Planner Sydney Bethel presented DR20-133 The Murphy on the Tracks, which previously came before the Commission for a rezone and PAD overlay last late year and was approved by Town Council in January. The site is located west of the northwest corner of Cooper and Guadalupe Roads in the Northwest Growth Area. Ms. Bethel is requesting input regarding the general site design, elevations, overall design of the building, specifically the roof design, proportions and materials.

The applicant is proposing a commercial development with one L-shaped building located on the eastern portion of the site. The building will be divided into seven (7) individual suites for a variety of uses including restaurant, retail, and salon/personal services. An outdoor courtyard at the center will serve as an outdoor seating area and amenity area for shoppers and visitors to the center. For this infill development, a PAD was sought to create the unique design that is brought to the street front and railroad to embrace that element. There is currently a variance application running concurrently with this project to increase the standard parking from 8 spaces in a row without a landscape planter to 12 spaces and to allow the required parking screen wall in the front setback. The Commission will not review that variance application. The Zoning Hearing Officer will review that application separately possibly in December, prior to the Design Review application.

The applicant is proposing a robust amount of landscaping along the street frontages and internal to the site in the outdoor amenity areas. All of the proposed retention is underground storage tanks located throughout the parking field. The proposed single-story building is approximately 24 feet at its highest point. This development is a very unique semi-industrial modern design that utilizes a clean simplistic design with minimal and generally light and muted materials. The renderings provided by the applicant and colors and materials were reviewed.

Staff had some concerns about the building architecture, specifically whether the roofline was correctly proportioned with the base of the building or needed additional articulation.

COMMISSION QUESTIONS/COMMENTS

Commissioner Andersen agreed with staff's concerns regarding the roof. He felt having something to break that up would be helpful. The renderings from the applicant tell a different story, although in this case they actually support the elevations with the huge roof. He asked if the appropriate department looked at the turning radiuses for the trash enclosures. His concern was to make sure the collection truck's tail end did not stick out into the drive. He asked what was driving the applicant to request a deviation on the parking.

Ms. Bethel believed the site plan was reviewed by our refuse reviewer. The applicant is pursuing a separate variance to allow for additional parking. They could not meet the parking on this small site without that deviation. We do not allow parking variances nor do we allow parking to be removed through the PAD process. That is why they are looking to remove the landscape islands.

Commissioner Jones noted that pulling out onto Guadalupe going eastbound there is not a center lane to allow traffic to merge. There is a safety concern with fronting those railroad tracks. He asked for details on the above-ground grease traps and any plans to keep people from going onto the railroad tracks.

Ms. Bethel asked Clinton Emery, Assistant Town Traffic Engineer, to answer the traffic concern on Guadalupe. Mr. Emery stated a traffic statement was done for this site with the expected volumes. The left turn lane into the development is adequate and he did not see any traffic concerns with the proposed density

and land use.

Ms. Bethel was not able to connect with the refuse reviewer on the grease traps and will follow up on why it is above ground. Regarding the railroad tracks, staff had asked the applicant to identify specifically what that boundary wall will look like. Through discussion with the developer, she believed it would be a 3-foot wall possibly with a seating area and step down. She will get clarification on that and will have answers with the next staff report.

Chair Bloomfield stated a grease trap would be associated with the sewer line coming out of the building and would separate the oil and water in order to not send grease down the sewer line. What is proposed is just a receptacle for storage of the frying oils and grease which would be picked up and hauled away for refining and recycling. He felt calling it a grease trap was a misnomer on the plans.

Commissioner Fay's comment regarding the left turn had already been addressed, although the striping looked like it was not oriented for that. This is his favorite project of the night. If this manages to infill this odd-sized parcel, it will be phenomenal. The adjacent property is listed as Imaginetics and this project will tie into their parking lot. He lives in this neighborhood and noted that parking lot is usually packed and what are identified as driveways are routinely used as parking spaces by the people who work there. If the applicant is already asking for variations to make the parking fit, this may become challenging from a parking standpoint.

Ms. Bethel advised that the applicant will be fitting all of the 47 required parking stalls to this site. The variance would not remove any required parking, but would allow for that room. She appreciated the additional insight into the current parking situation.

Chair Bloomfield recalled that Imaginetics was a manufacturing-type facility with daytime use. Ms. Bethel stated it is an office day use. This development will be more of a mixed-use development with hours day and night. At least at night it should not be a conflict.

Chair Bloomfield appreciated that information. He echoed Commissioner Fay's excitement about the project. He has always like this one and this is about the fourth time he has seen it. He hoped to keep it moving forward.

3. DR20-118 MELROSE COMMERCIAL: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 3.69 acres, generally located northeast corner of Melrose Street and Val Vista Drive, and zoned General Commercial (GC).

Planner Sydney Bethel presented DR20-118 Melrose Commercial, approximately 3.69 net acres zoned General Commercial and located at the northeast corner of Melrose Street and Val Vista Drive. This item came before the Commission late last year for a rezone which was approved by Council in January of this year. The Commission will be asked for input on the general site design, internal connectivity, drive-through car stacking, elevations, the integration of screening to the building designs, and increasing the elevation design relation between Pad C and the other proposed buildings in the center.

The applicant is proposing three pads on the site. Pad A, just under 3,500 SF, for a restaurant with drive-through. Pad B is very similar at just over 2,000 SF for a restaurant with drive-through. Pad C is intended as a gas station, possibly a Speedway gas station as seen previously on Lindsay and Germann Roads. This development is intended to be developed in a single phase. The Mercy Center, DR20-21, recently completed first review. These are two separate developments and two separate Design Review applications, but they

are intended to tie together and will be referenced throughout the presentation.

Staff had a few concerns and recommended increasing the stacking on Pad A and moving the menu board up to avoid blocking the dead-end parking field. The applicant has proposed quite a few landscape materials that are generally in line with other developments in the area. The proposed retention will be a combination of underground storage tanks located in the parking lot as well as above-ground retention basins located in the perimeter landscape areas. Off-site flows affect the site from adjacent roadways and are included in the provided retention on site.

Pad A and Pad B have a very similar design and utilize the same colors and materials with different massing and orientation. Pad B features a canopy, additional metal accents, as well as a grand entrance on the south elevation. No specific users have been identified for those drive-throughs. The applicant is pursuing a more contemporary modern design utilizing a combination of brick veneer, stucco in lighter tones, with metal and wood accents. Staff is concerned about the visibility of the equipment with the mechanical screening on the roof and has requested that it be further integrated into the building rather than just being stuck on top.

Pad C proposes nine (9) one-way fueling bays for a total of 18 service bays. The colors are similar to Pads A and B, although Pad C will have a different color palette. Staff would like input on the correlation between the buildings within the commercial center. Staff felt the colors and materials should be more in line with the other two buildings along with the design and architecture.

The development to the north, Mercy Center, will include two buildings with retail and restaurant on the bottom floor and office on the top floor. In the center is a drive-through. Those elevations were provided for reference.

COMMISSION COMMENTS QUESTIONS

Commissioner Blaser asked staff to review the requested modifications for the stacking of the drive-throughs. He had a hard time seeing the pointer on the presentation.

Ms. Bethel noted that only four spaces of stacking are required, which the applicant does meet. Since they do have extra room and we do have a lot of drive-through developments in Gilbert, staff would prefer the stacking to move forward. With the parking field to the south, Staff was concerned about the parking being blocked off if the stacking were to overflow to the east during peak hours of the drive-through.

Commissioner Andersen agreed with staff's comments regarding the Pad A mechanical screening on the roof. It is not well integrated into the architecture of the building. There will be visibility through the screening into the units. The top of the parapet is at 16 feet and the top of the screening is at 20 feet. He would encourage the applicant to find another method to better integrate the mechanical screening into the architecture or provide some other solution. He suspected their intent was to carry the parapet wall line all the way up to fully screen those mechanical units as a cost savings.

Commissioner Fay noted the drainage on the south half of the site refers to an existing 120-inch underground CMP facility. In his experience, it is uncommon for those to be put in and not be used. He asked if staff was sure the existing one is not being used for drainage somewhere else?

Ms. Bethel asked Tom Condit from Engineering to address that question. Mr. Condit did not have an answer for that particular question. He can research that and get back to the Commission.

Commissioner Fay stated they were relying on that volume to handle their on and off-site drainage. If it is used for something else, they will be short. If it is genuinely unused, their plan does work. He would appreciate Mr. Condit checking on that.

Ms. Bethel advised that there was a project that began construction as approved for a one-story office development back in 2006. They did start preliminary construction and installed some infrastructure. That existing facility may be part of the past infrastructure. Mr. Condit will follow up with an answer.

Commissioner Jones felt the Pad B drive-through did not seem to be the best design. Cars exiting Pad B would basically run directly into traffic in and out of Val Vista Drive. Being a gas station, we would expect a high volume of cars in and out creating a potentially dangerous situation. He suggested that be revisited. With regard to staff's comment to tie Pad C more closely into the design of Pads A and B, he would agree. Hopefully, Pad C is set back quite a way and it is probably not super critical that they tie incredibly closer together. He agreed that Pad C would stick out compared to Pads A and B as well as the development to the north.

Commissioner Blaser spoke to the continuity of design with Pad C. What made it stick out to him in a more negative way is all of the branding. There is stark white and red with beige tones in the background. He felt toning that down would make a big difference if there is any leeway with their branding.

Chair Bloomfield noted there is a QT gas station across the street with an architecturally pleasing building. It is one of his favorite convenience stores. He agreed with Commissioner Blaser that Pad C with the stark white and stark red might be toned down and still meet their branding requirements. That would be appreciated. Looking at the structure and architecture of these buildings, even though the materials are different, the shaping is about the same. There is a lot going on in this area as well as the new development to the north with two-story modern buildings. He felt that will blend with Pads A and B very well and with the gas station in the middle it will all work together. He would defer to staff on those concerns.

Commissioner Mundt noted there were comments related to the circulation when the Commission saw this item previously. The gas station will provide a bit of a buffer, although there will be a significant amount of traffic with the Dutch Bros., car wash, the QT station, and now multiple drive-throughs all a couple hundred feet from a stoplight coming off the highway. He felt they did a good job of trying to fix the problem of having drive-throughs that exit directly out onto Val Vista Drive. He asked if the drive-throughs exited onto Val Vista or did they loop around to the south side?

Ms. Bethel stated the greatest concern was with Pad B because of where it exits. It loops down at the starting entry point and then exits into the main drive aisle. Pad A would exit down to the proposed private drive aisle and then filter out to the drive to the south.

Commissioner Mundt felt the applicant has made some conscientious effort to make this work. He felt it would be great and a good addition, although he was a little worried about traffic.

Chair Bloomfield stated on the south side there is access onto Val Vista, at the mid-point of this development there will be access onto Val Vista, on the north side there is another drive aisle. The next development up opens onto Mercy Gilbert. There seems to be plenty of access into Val Vista. He was sure staff was looking at that, although he could appreciate the concern Commissioner Mundt brought up. There are a lot of cars and a lot of movement in this busy area.

Commissioner Jones asked if it was possible to include signage leaving Pad B to turn left instead of directly into traffic coming off of Val Vista. He has seen that in other drive-throughs.

Ms. Bethel can look into what type of directional signage can be placed for this development.

4. Z20-10 SAFE AND SMART ACT: Citizen Review and initiation of amendment to the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Division 1: General Provisions, Division 2: Land Use Designations, Division 4: General Regulations, Division 5: Administration, Division 6: Use Definitions, and the Glossary Of General Terms, related to marijuana-related uses in accordance with the Safe And Smart Act; providing for repeal for conflicting ordinances; providing for severability; providing for penalties; and setting a conditional effective date.

Planner Josh Rogers presented Z20-10 Safe and Smart Act, for public review and initiation of a text amendment to the Land Development Code. Last night Arizona voters approved Proposition 207 also known as the Safe and Smart Act which legalized the recreational sale and use of marijuana statewide. Last month, in preparation for the passage of the Safe and Smart Act, the Town Council passed Ordinance 2783 which prohibited the retail sale of recreational marijuana in Gilbert. There is one exception as existing medical marijuana facilities are permitted by the Act to obtain a dual license to sell both medical and recreational marijuana. There is one active medical marijuana facility in Gilbert, Curaleaf at McQueen and Guadalupe Roads, which is eligible to apply for a dual license permit with the state. He clarified that Town Council Ordinance 2783 does not affect the personal rights for Gilbert residents to possess or privately cultivate marijuana at their place of residence as granted by the Safe and Smart Act.

There are various sections within the Land Development Code (LDC) that staff has identified as potentially being impacted by the passage of the Safe and Smart Act. Staff has been exploring all possibilities to ensure our code is consistent with the Act as well as the recent Ordinance adopted by Town Council. There are anticipated changes and updates to the medical marijuana section of the LDC to reflect the dual license capabilities and to update use definitions, tables, and regulations that may be impacted by the Safe and Smart Act. The process to update the LDC is ongoing.

The request is for the Planning Commission to initiate a Text Amendment to the Land Development Code and conduct a citizen review meeting.

COMMISSION QUESTIONS/COMMENTS

Chair Bloomfield felt this was one of the biggest disappointments of last evening.

With no further comments from the Commission, Chair Bloomfield requested that staff initiate a Text Amendment to the Land Development Code related to the Safe and Smart Act.

CITIZEN REVIEW

Chair Bloomfield opened the floor for citizen review on this item. The phone lines were opened for public comment. There were no comments and Chair Bloomfield closed the citizen review.

Mr. Rogers anticipated this item coming back early next year. Staff continues to work on changes and updates to the LDC.

5. Discussion of Regular Meeting Agenda

There were no conflicts declared with any agenda items in the Regular Meeting. It was requested to move Item 12. S20-10 Santanilla off of the Consent Agenda for public comment. Eva Cutro advised that there may be a request to speak on Item 13. UP20-26 Speedway. She advised that the Chair may ask in the Regular Meeting if members of the public would like to speak on any Consent Agenda items before approving the agenda. If so, those items would need to be pulled off of the Consent Agenda.

ADJOURN STUDY SESSION

With no further business before the Commission, Chair Bloomfield adjourned the Study Session at 5:49 p.m.

Carl Bloomfield, Chairman

ATTEST:

Dana Desing, Recording Secretary

**TOWN OF GILBERT
PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS
50 E. CIVIC CENTER DRIVE
GILBERT, AZ
NOVEMBER 4, 2020**

COMMISSION PRESENT:

Carl Bloomfield, Chair
Jän Simon, Vice Chair
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David Blaser
William Fay
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Colby Ashton, Alternate (Online)
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STAFF PRESENT:

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Sydney Bethel, Planner II
Keith Newman, Planner II
Josh Rogers, Planner II
Tom Condit, Development Engineering Manager
Clinton Emery, Assistant Town Traffic Engineer
Nancy Davidson, Assistant Town Attorney

COUNCIL LIAISON PRESENT:

Scott September

RECORDER:

Dana Desing

| <u>PLANNER</u> | <u>CASE</u> | <u>PAGE</u> | <u>RESULT</u> |
|-----------------------|--------------------|--------------------|----------------------|
| Keith Newman | DR20-87 | 3 | Continued |
| Stephanie Bubenheim | UP20-05 | 3 | Approved |
| Stephanie Bubenheim | DR20-46 | 3 | Approved |
| Sydney Bethel | S20-10 | 5 | Approved |
| Sydney Bethel | UP20-26 | 4 | Approved |
| Sydney Bethel | UP20-27 | 4 | Approved |
| Sydney Bethel | UP20-28 | 4 | Approved |
| Sydney Bethel | DR20-94 | 5 | Approved |
| Ashlee MacDonald | DR19-128 | 10 | Approved |
| Keith Newman | GP20-03 | 18 | Approved |
| Keith Newman | Z20-08 | 18 | Approved |

CALL TO ORDER OF REGULAR MEETING

Chair Carl Bloomfield called the November 4, 2020 Regular Meeting of the Planning Commission to order at 6:02 p.m.

PLEDGE OF ALLEGIANCE

Planning Division Manager Eva Cutro led the Pledge of Allegiance

ROLL CALL

Eva Cutro called roll and determined that a quorum was present.

6. APPROVAL OF AGENDA

There was a request to pull Item 12. S20-10, Santanilla, off the Consent agenda and move it to the Non-Consent Agenda. Item 9 is to be continued to the December 2, 2020 hearing. There were no requests to speak on the remainder of the Consent Agenda items. Chair Bloomfield called for a motion to approve the agenda.

MOTION: Vice Chair Simon moved to approve the Agenda with the requested change to remove item 12. S20-10 Santanilla; seconded by Commissioner Mundt. **Motion passed 7-0.**

COMMUNICATIONS

7. COMMUNICATION FROM CITIZENS

At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. The Commission/Board response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

The phone lines were opened. There were no requests to speak.

8. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS

Councilmember Scott September noted that our Economic Development team works very closely with our development staff and many of the cases that come before the Planning Commission originate because of our economic development efforts in bringing jobs, new development, and growth to Gilbert. He announced that Jennifer Graves, Deputy Director of Economic Development, was recently recognized as Economic Developer of the Year by the State of Arizona Economic Development Industry Association.

The Town of Gilbert has been working on economic recovery efforts related to COVID-19. Council recently approved \$18 million in funding for a three-phased Gilbert Together businesses recovery program. Phase 1 will provide \$11 million in business relief grants. As of October 30, staff has worked directly with over 93 companies and 31 have already completed applications for a total of \$570,000 in grant awards to businesses that have been hurt by the financial impact of COVID-19. Phase 2 will provide \$5 million in business recovery loans. Phase 3 will provide \$2 million in business resiliency programs including technical assistance and job training related to re-entry into the working world.

GPMI is a local manufacturer of PPE headquartered in Gilbert. They recently leased 85,000 SF at Gilbert Spectrum, bringing 180 additional jobs and \$11 million in capital investment to the town. Lowes Distribution Center signed a lease for 116,000 SF at Gilbert Gateway Commerce Center. They will move in the first quarter of 2021 bringing \$7 million in capital investment to Gilbert. Our Economic Development team has done a great job continuing to move the needle in the midst of a pandemic.

PUBLIC HEARING (CONSENT)

All items listed below are considered the public hearing consent calendar. The Commission/Board may, by a single motion, approve any number of items where, after opening the public hearing, no person requests the item be removed from the consent calendar. If such a request is made, the Commission/Board shall then withdraw the item from the public hearing consent calendar for the purpose of public discussion and separate action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

Chair Bloomfield introduced the Consent Calendar items listed below. Item 12. S20-10, Santanilla, has been pulled off of the Consent Calendar. Item 9 will be continued to the December 2, 2020 hearing. He asked if any members of the public wished to speak on any of the Consent items. The phone lines were opened. There were no requests to speak.

9. DR20-87 PB BELL GILBERT COMMONS: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 8.6 acres, generally located at the southwest corner of Cooper and Baselines Roads, and zoned Multi-Family/Medium (MF/M) with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION: Move to continue DR20-87, PB Bell Gilbert Commons to December 2, 2020.

10. UP20-05 ALTA GILBERT AT COOLEY STATION: Request to approve a Conditional Use Permit for approx. 6.0 acres generally located south of the southwest corner of Recker and Williams Field Roads to allow residential units on the ground floor in the Gateway Village Center (GVC) zoning district with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION: Make the Findings of Fact and approve of UP20-05, Alta Gilbert Cooley Station: a Conditional Use Permit for approx. 6.0 acres generally located south of the southwest corner of Recker and Williamsfield Roads, to allow residential units on the ground floor in the Gateway Village Center (GVC) zoning district with a Planned Area Development (PAD) overlay, subject to conditions:

1. The Project shall be in substantial conformance with the site plan, elevations, renderings and floor plans shown on the Exhibits provided under Attachment No. 4-7. The approval of UP20-05 is contingent upon the approval of DR20-46.
2. All ground level units shall have direct ingress/egress access from the exterior patio on the exterior elevations.
3. The developer shall effectively manage the availability of parking spaces by limiting garages to vehicular parking spaces within tenant lease agreements.

11. DR20-46, ALTA GILBERT AT COOLEY STATION: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 6.0 acres, generally located south of the southwest corner of Recker and Williams Field Roads, and zoned Gateway Village Center (GVC) with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION: Approve the Findings of Fact and approve DR20-46, Alta Gilbert Cooley Station: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 6.0 acres, generally located south of the southwest corner of Recker and Williams Field Road and zoned Gateway Village Center (GVC) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the November 4, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. A Gateway Sign Plan will be required prior to permitting.
4. The Emergency Access Easement, as shown on the approved site plan, shall be recorded on the final plat.
5. The Emergency Access Easement shall be a mountable curb with decorative stamped concrete as called out on the plans.
6. An 8-inch thick red stripe and no parking signage on pavement shall be provided at the edge of the 26' drive aisle in front of garages along the main building due to fire apparatus requirements. The developer shall include language in tenant lease agreements that no parking shall be allowed between the garages and the no parking red stripe. The red stripe shall be maintained from wear and tear.
7. Prior to Construction Document submittal the applicant shall provide a copy of the signed Reclaimed Water Use Agreement to planning staff.
8. The developer shall effectively manage the availability of parking spaces by limiting garages to vehicular parking spaces within tenant lease agreements.

13. UP20-26 SPEEDWAY CONVENIENCE - FUEL DISPENSING: Request to approve a Conditional Use Permit to allow a Fueling Facility on approx. 3.9 acres generally located at the southwest corner of Lindsay and Germann Roads, and zoned Neighborhood Commercial (NC) zoning district.

STAFF RECOMMENDATION Make the Findings of Fact and approve of UP20-26, Speedway Convenience-Fuel Dispensing: a Conditional Use Permit for approx. 3.9 acres generally located at the southwest corner of Lindsay and Germann Roads, to allow a fueling facility in the Neighborhood Commercial (NC) zoning district, subject to conditions:

1. The Project shall be in substantial conformance with the site plan shown on the Exhibits provided under Attachment No. 4.

14. UP20-27 SPEEDWAY CONVENIENCE - 24-HOURS OPERATION: Request to approve a Conditional Use Permit to allow increased hours of operation on approx. 3.9 acres generally located at the southwest corner of Lindsay and Germann Roads, and zoned Neighborhood Commercial (NC) zoning district.

STAFF RECOMMENDATION: Make the Findings of Fact and approve UP20-27, Speedway Convenience- 24-Hour Operation: a Conditional Use Permit for approx. 3.9 acres generally located at the southwest corner of Lindsay and Germann Roads, to allow increased hours of operation in the Neighborhood Commercial (NC) zoning district, subject to conditions:

1. The Project shall be in substantial conformance with the site plan shown on the Exhibits provided under Attachment No. 4.

15. UP20-28 SPEEDWAY CONVENIENCE - LIMITED SERVICE RESTAURANT: Request to approve a Conditional Use Permit to allow Restaurants, Limited Service on approx. 3.9 acres generally located at the southwest corner of Lindsay and Germann Roads, and zoned Neighborhood Commercial (NC) zoning district.

STAFF RECOMMENDATION: Make the Findings of Fact and approve UP20-28, Speedway Convenience-Limited Service Restaurant: a Conditional Use Permit for approx. 3.9 acres generally located at the southwest corner of Lindsay and Germann Roads, to allow a Limited Service Restaurant in the Neighborhood Commercial (NC) zoning district, subject to conditions:

1. The Project shall be in substantial conformance with the site plan shown on the Exhibits provided under Attachment No. 4.

16. DR20-94 SPEEDWAY CONVENIENCE: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approx. 3.9 acres, generally located at the southwest corner of Lindsay and Germann Roads, and zoned Neighborhood Commercial (NC).

STAFF RECOMMENDATION: Approve the Findings of Fact and approve DR20-94 SPEEDWAY CONVENIENCE: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 3.9 acres, generally located at the southwest corner of Lindsay and Germann Roads, and zoned Neighborhood Commercial (NC), subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the October 7, 2020, public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.

MOTION: Vice Chair Simon moved to recommend approval of Consent Agenda Items **9. DR20-87 PB Bell Gilbert Commons, 10. UP20-05 ALTA Gilbert at Cooley Station, 11. DR20-46, ALTA Gilbert at Cooley Station, 13. UP20-26 Speedway Convenience-Fuel Dispensing, 14. UP20-27 Speedway Convenience-24-Hours Operation, 15. UP20-28 Speedway Convenience-Limited Service Restaurant, and 16. DR20-94 Speedway Convenience**, as presented; seconded by Commissioner Fay. **Motion passed 7-0.**

PUBLIC HEARING (NON-CONSENT)

Non-Consent Public Hearing items will be heard at an individual public hearing and will be acted upon by the Commission/Board by a separate motion. During the Public Hearings, anyone wishing to comment in support of or in opposition to a Public Hearing item may do so. If you wish to comment on a Public Hearing Item you must fill out a public comment form, indicating the Item Number on which you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission/Board.

12. S20-10 SANTANILLA: Request to approve a Preliminary Plat and Open Space Plan Amendment for K Hovnanian Homes, for 71 home lots (Lots 1-71) on approx. 40.52 acres located north of the northwest corner of Higley Road and the Hunt Highway alignment in the Single Family-7 (SF-7) and Single Family-10 (SF-10) zoning district with a Planned Area Development (PAD) Overlay zoning district.

STAFF RECOMMENDATION: Approve the Findings of Fact and S20-10, Santanilla: Request to approve a Preliminary Plat and Open Space Plan Amendment for K Hovnanian Homes, for 71 home lots (Lots 1-71) on approx. 40.52 acres located north of the northwest corner of Higley Road and the Hunt Highway alignment in the Single Family-7 (SF-7) and Single Family-10 (SF-10) zoning district with a Planned Area Development (PAD) Overlay zoning district, subject to the following conditions.

1. The Final Plat and Open Space Plans for S20-10 Santanilla and construction of the project shall be in substantial conformance with Exhibit 6 Preliminary Plat, Exhibit 7 Open Space Plan, and

Exhibit 8 Grading and Drainage Plan approved by the Planning Commission/ Design Review Board at the November 4, 2020 public hearing.

2. Bollards shall be added to the east end of the Watford Court R.O.W. in the Construction Document Submittal.

Planner Sydney Bethel presented S20-10 Santanilla, located at the northwest corner of Higley Road and the Hunt Highway alignment in the San Tan Character Area. The subject site is approximately 40 gross acres zoned Single Family-10 and Single Family-7 with a PAD Overlay. This request is for an amendment to an existing preliminary plat and open space plan for K Hovnanian Homes for 71 home lots. The preliminary plat was approved back in 2007 for 50 residential lots. It was then amended in 2011 to reflect 80 lots. The perimeter connections and access points have all remained the same while the internal portions of the site had changes. The preliminary plat proposed today has 71 residential lots, which is a reduction by 9 lots from the 2011 amendment. The primary driver for this amendment is to rearrange the development internally in a manner that ensures that all residential lots are a minimum of 100 feet away from the existing fissures. The grading and drainage plan shows the existing fissures that run throughout the site that have been known since 2007. The applicant has provided a large amount of trees and desert low water landscaping in the fissure area in order to avoid additional water going into those fissures. All of the retention areas have been located away from the fissure areas for the same reason.

As part of this plan, Watford Court will be developed as a 50 foot fully paved right-of-way. It will not connect fully onto Higley Road. The only access onto Higley Road is located off of the new drive that will be created. This is because the right-of-way was not dedicated for the last remaining parcel back in 2007. The applicant will provide bollards to ensure that the private drive is not accessed. They will also be developing Constellation Way and an emergency access to the northern existing road. Images of the monument signage were provided in the open space package. This development will not be gated and different types of theme walls will be provided throughout the development.

The preliminary grading and drainage exhibit shows the proposed retention through above-ground retention basins located throughout the perimeter of the site. Off-site flows for Higley Road will be retained at the northeast corner of the property in accordance with the proposed Higley Road Capital Improvement Project, which is planned for a few years out.

Staff recommends approval of the project subject to two conditions as listed in the staff report.

COMMISSION QUESTIONS/COMMENTS

Commissioner Fay asked how long the pre-plat approval was good for in Gilbert. Ms. Bethel believed it was good for three years. They did record a final plat as well which gives longevity to it. That is why it has had a few iterations.

Assistant Town Attorney Nancy Davidson explained that a pre-plat expires two years from the effective date unless a complete application for a final plat is submitted.

PUBLIC COMMENT

Bruce Bower stated there is a school on the other side of Higley Road and a lot of traffic is generated in the school area. People park on the side of the road near the school as well as up and down the neighborhood. His concern was how to prevent accidents in that area. Since Coldwater Boulevard was paved it has become a super highway. He would like to prevent the same thing from happening when this development goes in

with people exiting the school into the neighboring community. Right now, it is a dirt road with not much traffic. According to this plan, in order to exit onto Higley, you can only make a right hand turn. Most of the folks in his development use Watford Court to exit the community to go northbound on Higley Road. If we are forced to make a right hand turn, we will be going the opposite way. There is no way to get out through 164th Street.

Scott Buck, resident on Watford Court, stated Lots 1, 2, 3 and 4 on the plan are located right in front of his home. His concern was that there is now going to be a block wall in front of his property and there does not appear to be any limitations of the houses. With the original proposal, the developer went down Watford talking to each of the residents and told them this development would be single story only. From speaking with three neighbors as well as an email from Chuck Chisholm today, that is no longer the case. There are five different floor plans with three elevations. Mr. Buck stated a two-story house on Lot 1, 2, or 3 will result in him losing his scenic view of the San Tan mountain range. That will negatively impact the value of his house. If this is approved, he will claim diminution of value as in Article 12-1134 and 12-1136. He has contacted counsel today and will pursue it. The primary theme of the block wall in front of his property does not display what it will look like. His concern is that the block wall, without sufficient foliage to conceal it, will have a negative impact on his property value. He has asked staff if an engineering assessment was done on the ground surface tension with respect to those fissures. He has not seen one. The drain off of the pond or capture basin, should the fissure continue on, will lead towards his property. He is concerned about what that impact will be. Because his is the closest house to Watford, the increased traffic and noise coming from this development will impact him. If a barrier is placed at the end of that straight road, people will race down that road increasing the noise level and potential car hazards. He asked if speed bumps or other considerations will be added. With the blockage at the end of Watford over to Coldwater and up to San Tan and Higley, it is currently a stop sign there and the amount of traffic today getting out in the morning and night during high peak hours is a challenge. Will Gilbert consider putting a light at that corner?

Kendall McCray had the same concerns as the previous speakers.

Gary Gephart submitted a public comment card against the project but did not speak.

The phone lines were opened for additional comments. There were no further requests to speak.

APPLICANT PRESENTATION

Chuck Chisholm, K Hovnanian Homes, 20830 N. Tatum Boulevard, Phoenix, advised that this site was previously zoned and platted. The only reason they are here today is actually to reduce the density from what was already approved and reconfigure the lots so they are a minimum of 100 feet away from the center line of the fissures on the site. A fissure study was done on the site and the approval was to build homes within 20 feet of the fissures. That is how the original plans were prepared with a setback of 20 feet from the fissures. From a potential buyer's standpoint, we felt they would be more comfortable with more of a buffer area there even though the professionals have studied the fissures and the foremost authority said that a 20 foot buffer was adequate.

Mike LoTempio, EPS Group, felt that Mr. Chisholm addressed the fissures.

COMMISSION QUESTIONS/COMMENTS

Vice Chair Simon asked if a traffic study has been done at Watford and Higley to determine what type of

load this will bear and if it would constitute a traffic signal.

Ms. Bethel believed the resident was discussing Coldwater Boulevard to the north of this development and Higley Road stating a concern for traffic in that area. There is a future CIP project that will go up and down Higley Road. Clinton Emery, Assistant Town Traffic Engineer, is on the line and can address whether a traffic signal is planned with that CIP improvement project as well as the traffic study that was done.

Mr. Emery advised that a CIP design was done for this area a few years back. That project includes a signal at Coldwater and Higley, although it is in the CIP to be funded and constructed in 6 to 10 years. The traffic study requirement looked at the adjacent access to this location. The speaker was correct that the main entrance into the site will be a right only. Traffic had a concern with the close proximity of Watford. Because Watford is already connected to the school, that access is set and could not be changed. We had concerns with another full access so close to the school with queuing and other things. From a traffic perspective, it is not ideal to do u-turns, although it is a legal maneuver. To go north exiting this development, vehicles would potentially need to do a u-turn or find other means to go north. With the existing constraints at Watford, that was felt to be best. The AM peak would have the biggest impact with potentially 56 vehicles going right based on estimates. The CIP project will install a median there with signage. The CIP design is done, although there may be the potential to clean up the Watford access at that time.

Commissioner Mundt stated there is clearly an issue at that intersection, although he was not sure it was material to this application. With the school there sandwiched in between and Adora Trails, the traffic going back and forth through there won't necessarily be contingent upon these homes so much as those within the thousands existing in Adora Trails. It is very clearly an issue because they have a four way stop there and during school pickup or the afternoon peak it is a challenge. Taking a right turn you will end up on Hunt Highway.

Chair Bloomfield was not sure whether the questions of the residents were answered directly from the applicant. He asked if there were any two-story restrictions on those lots or were they all available to have two stories? Was that a condition of the original plat?

Ms. Bethel stated there was never a condition in the PAD for two stories. In the past, there may have been an agreement between the developer and residents that was not included in our documents. We have no record of any restrictions. Ms. Bethel stated Tom Condit, the Town's Development Engineering Manager, was not currently available and recommended having the applicant explain the engineering assessment regarding the fissures.

APPLICANT RESPONSE

Mike LoTempio, EPS Group, did not have the document in front of him but would address the fissures further. The recommended distance in the study done by a licensed geotechnical engineer was 20 feet on each side. That was the minimum for a safety factor to not create any problems with those fissures. We increased that to 100 feet to be more comfortable with the separation and not create any potential problems with the fissures. That report noted that over a number of years those fissures have not expanded at all most likely due to the groundwater table in the area being stabilized. The fissures are usually created due to pumping of well water. With a stable water table, those fissures are not expanding based on observations over a number of years by the geotechnical engineer. There was a study in the early 2000s, which was updated several years later with no major changes in those fissures. As well as providing a buffer from those fissures, the design approach would be to excavate a depth down around those fissures, reinforce the

soil with geotextile, backfill, and compact to seal up the surface part of those fissures in order to prevent any kind of expansion. The water on the site is being directed away from the fissures. There are no retention basins within 100 feet and we have drainage swells along the setback areas to direct the water away from the fissures and to the drainage basins so that water does not enter those fissure areas. The geotechnical engineer, as well as the civil engineer, Mr. Lotempia's company, the planner and landscape architect for the project worked together with K Hovnanian to come up with a plan and layout to best develop the site in the safest way possible given the fissures there. He felt it was safer than the original design from 2008 due to the decreased density and increased setback from the fissures. He believed the Town has the study and that it could be released through a public records request if anyone was interested in reviewing it.

COMMISSION DISCUSSION

Chair Bloomfield noted one of the questions that was not answered regarding the retention basin that is right next to the lots Mr. Buck mentioned with his home directly to the north. The resident's concern was if that basin fills up with a 100-year event, where would it overflow. Mr. Buck does not want it in his yard. He asked Mr. Buck if that was correct, although the response could not be heard. Chair Bloomfield is a development civil engineer and understood these issues very well. He thought he heard Mr. Buck say that the soil is being shifted and the concern is the impact of different loadings on the soils.

Mr. Buck stated the retaining pond is adjacent to his lot and the fissure from that point is roughly 100 feet. How will the surface tension of that ground, with respect to the water table level, impact that fissure's growth. If he had the original report from 2008, he would have worked with some ASU faculty to see what that would do in order to have a better understanding.

Chair Bloomfield would let Mr. Buck pursue that with the developer as it is outside the purview of this Commission. His guess is that Mr. Buck will find that there won't be an issue.

Tom Condit, Development Engineering Manager, advised that the design K Hovnanian is bringing forward actually moves 100 feet from the fissures which is in line exactly with the recommendations provided in the 2011 geotechnical report that was provided to the Town. That is why we support it and believe they have made reasonable accommodation to keep water away from the fissures. That was part of the reason the plat is designed this way.

Mr. Buck asked about the block wall and if there were any plans for foliage or something to break that up. With his lot being so close, he will see block wall, and especially with two-story homes there, he will lose his view of the San Tan mountains.

Chair Bloomfield asked if Mr. Buck would prefer that those homes be flipped around so they would be facing his property.

Mr. Buck stated that would be more aesthetic to his property than having a block wall there. If they will put a block wall there, he would like to have a little bit of a buffer with foliage to disguise the block wall.

Chair Bloomfield stated they are required to do that. The curb will not go all the way to the right-of-way and they cannot build within the right-of-way. The block wall will actually be offset from the right-of-way and there will be a landscape easement there.

Ms. Bethel stated that was correct. She pointed out the landscape tract on the open space plan that will include trees and shrubbery, which are not shown on the plan due to the large scale of the development.

Beyond the landscape tract will be the block wall and then the back of the residential.

Chair Bloomfield stated the neighbors are getting a paved road, as well as landscaping that will be maintained and a block wall. In terms of Mr. Buck's loss of the view, the property owner has the right to be able to build there. Mr. Buck can buy those lots and keep them open. There is no restriction on the two story.

Ms. Bethel advised that for both zoning districts the maximum height is 30 feet and it is limited at two stories per SF-7 and SF-10.

Chair Bloomfield felt all of the questions and concerns had been addressed. He closed the public hearing and called for a motion.

MOTION: Commissioner Andersen moved to approve the Findings of Fact and S20-10, Santanilla: Request to approve a Preliminary Plat and Open Space Plan Amendment for K Hovnanian Homes, for 71 home lots (Lots 1-71) on approx. 40.52 acres located north of the northwest corner of Higley Road and the Hunt Highway alignment in the Single Family-7 (SF-7) and Single Family-10 (SF-10) zoning district with a Planned Area Development (PAD) Overlay zoning district, subject to conditions; seconded by Commissioner Jones. **Motion passed 7-0.**

17. DR19-128 TRILOGY AT POWER RANCH: Tennis and Pickleball Complex: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials, for approximately 5.74 acres, located at 4369 E. Village Parkway, and zoned Public Facilities/Institutional (PF/I) with a Planned Area Development (PAD) overlay zoning district.

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR19-128 Trilogy at Power Ranch Tennis and Pickleball Complex: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials, for approximately 5.74 acres, located at 4369 E. Village Parkway, and zoned Public Facilities/Institutional (PF/I) with a Planned Area Development (PAD) overlay zoning district, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the November 4, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. The applicant shall install a 4-way sign (R1-3) under the northbound stop sign at the intersection of S. Ranch House Parkway and E. Village Parkway.
4. The applicant shall relocate the northbound stopbar at the intersection of S. Ranch House Parkway and E. Village Parkway from 11 feet to 4 feet from the crosswalk and add "STOP" pavement marking behind the northbound stopbar to be consistent with the other directions.
5. The applicant shall remove the tree in the median near the existing stopbar on the northbound approach. All other trees at the intersection shall be trimmed to maintain visibility of stop signs.
6. The applicant shall remove the bush on the east side of the northbound approach at the intersection of S. Ranch House Parkway and E. Village Parkway that is near the existing stopbar.

Ashlee MacDonald presented DR19-128 Trilogy at Power Ranch, Tennis and Pickleball complex. The site is located south of Queen Creek Road between Recker and Power Roads and is a portion of the larger Power Ranch PAD. The existing condition has two courts on either side of the primary entrance into the clubhouse facilities off of South Ranch House Parkway. On the east side of the entrance, there are currently two courts originally planned as tennis courts; however, due to the popularity of pickleball they were restriped to allow

for a total of eight pickleball courts. On the west side of the entrance there are two existing tennis courts. The overall site is 5.74 acres and the zoning on the site is Public Facilities/Institutional (PF/I). Earlier this year, the applicant processed a PAD overlay to reduce the front and west side setbacks for both the building and landscape to 10 feet, which was approved by the Planning Commission and Town Council. This project will add and reconfigure courts, and add restroom buildings and shade structures for the facility. The proposed courts are part of the larger community facilities with the buildings located south of the existing parking lot. The parking field went through a renovation in 2016 or 2017 after approval of an Administrative Use Permit to modify the parking requirements. Through that process, the applicant's engineer evaluated the parking demand which resulted in a reduction of 20 vehicle spaces, but 42 golf cart spaces were provided in return. The courts themselves do not generate additional parking requirement and no further modifications to the parking lot are proposed. A proposed sound wall is intended to help reduce the impact of pickleball noise. The locations for the sound wall, restroom buildings and shade structures were pointed out on the site plan.

At the previous Study Session, the Commission asked for information on current conditions. The nearest court to the front setback is 25 feet. The applicant did receive approval to reduce that setback to 10 feet and the current configuration complies with that standard. On the east side, the minimum requirement is 25 feet. The current court is located approximately 62 feet from the residential property boundary. With the proposed reconfiguration, the wall is about 59 feet from the residential property boundary with the nearest court being 73 feet. On the west side, the setback is reduced from the current 25 to 23 feet. That was permitted to be as close as 10 feet per the PAD amendment.

Staff heard concerns from residents regarding increased traffic. Our assistant traffic engineer visited the site to conduct an analysis. Based on that analysis, staff added conditions to the Design Review that required the relocation of the snack bar, required the missing four-way sign, as well as landscape modifications. The four-way stop does mitigate staff's concerns about the amount of traffic to the site. There are modifications to the landscaping with the addition of the courts, although it is still in compliance with the minimum landscape requirements. The total acreage for the facility still provides well in excess of the requirement. The plantings to be installed are in compliance and are consistent with what is existing today. Some turf is being removed, although artificial turf is being added for appearance.

The sound wall has a stone veneer on the bottom portion of the wall which will serve as a retaining wall and planter area. During the Study Session, there was a question as to whether there would be a windscreen around the tennis courts. The applicant has provided an exhibit showing that there will be windscreens at those courts. The restroom building elevations are consistent with the colors and materials utilized for the rest of the clubhouse facilities. Staff is comfortable with the consistency in the design, colors and materials. There was a question at Study Session about the fabric shade canopies. The applicant has provided information and exhibits to show that the fabric shades are consistent with those at other facilities within Trilogy.

The applicant has held a number of public neighborhood meetings. Town staff attended two of those meetings where questions were raised about noise, the sound wall, and setback changes. The staff report includes 24 public comments and an addendum was sent out yesterday with additional comments. Since then, three additional letters were received and provided to the Commission in their Dropbox. Additional comment cards were received over the last couple days with a total of 16 against and 17 in favor of the proposal.

Staff recommends approval of DR19-28 with the recommended conditions listed in the staff report.

APPLICANT PRESENTATION

Adam Baugh, Withey Morris, stated when this case was presented back in July 2020, the Commission recommended unanimously to approve the PAD amendment to adjust setbacks adjacent to the street. Pickleball is an important part of this community. For an age-restricted community, it is important to be relevant and provide first-class amenities, particularly with some of the newer communities like Eastmark. The best way to retain our property values is to have an amenity that is modern and relevant with today's uses. The demand for pickleball has drastically increased over the last six years.

Pickleball is currently played here today and regardless of the decision tonight, pickleball will continue to be played on the existing courts. There are 8 pickleball courts in the present tennis courts today and those courts have been played since 2014. When this item came before the Commission in July, the proposal was to add 6 pickleball courts plus a multi-use court which could accommodate 4 additional pickleball courts. There would have been an opportunity for 10 pickleball courts on the east side.

On July 14, 2020, we met with several of the adjacent neighbors on the east side to hear their concerns and then worked with our engineering team to come up with a plan that incorporates some of the feedback. In August 2020, a modified plan was presented to neighbors that pulled the courts further off the property line up to an additional 10 feet. Additional feedback from neighbors included new ideas such as restrictions on the time of use, lighting, car parking, and seating. They also requested that the courts be moved further away. The Trilogy Board felt it was worth working together to solve these issues by documenting them into an agreement. Trilogy held a special meeting to vote on that agreement and it was sent back to the neighbors. Unfortunately, in the meantime there were some second thoughts by the neighbors, so that agreement fell apart. A plan was submitted to the Town that improved upon the plan that was presented in July.

The new plan removes the multi-use court eliminating 4 potential pickleball courts. That will result in only 8 pickleball courts on the east side rather than 10, plus 3 tennis courts on the west side. The pickleball courts are designed per the dimensions required for the sport, including netting and overrun area. The viewing areas are tucked between the two courts. We continue to incorporate the sound wall with a hedge that hopefully will grow beyond the 8 feet proposed. The distance from the pickleball court to the residential was increased from 61 feet to 73 feet. Court 4 was moved further away with an extra 10 foot gap from the sound wall. Those changes reduced the number of pickleball courts from 10 to 8 and allowed more open space and landscaping at the entry and ramada.

He understood that the noise is something that will be considered in this case. There is simply a difference in opinion between the Town's ordinance and our observation versus the neighbors who believe we will play differently. What matters here is what the Town ordinance requires, which is a 55 decibel level measured inside a house with doors and windows closed. That is the standard by which the Town judges noise. In this case, we satisfy that standard. This is also next to a tennis court, golf tee box, and other components of the recreational amenities and a fairway, with quite a bit of other noises that occur in the area. The acoustic engineer is on hand to address any specific questions related to the noise study. With regard to lighting, the photometric study observes the Town ordinance standards and our lighting complies at the property line as expected in any development next to residential. There was a concern that we would reduce the parking. Under this plan, we observe the parking standard and have sufficient spaces for 42 golf carts, which is a primary way people in this community transport and commute. The shade canopies in this proposal match those that are there today.

In summary, for this community to be vibrant, maintain its property values, and to attract new and future

residents, pickleball is another amenity that has been played here for 6 years that will be better optimized under this new plan. There have been some improvements, we have reduced the number of courts, pushed them further away, provided the sound wall, and we observe all the other requirements for design and engineering aspects that the Town considers when evaluating this request. Staff recommends support. In July, the comments were overwhelmingly in support. Clearly, in a pandemic, the ability for people to participate remotely is different than what can be seen in person. There are people from the community who have submitted cards to speak only if necessary.

COMMISSION QUESTIONS/COMMENTS

Commissioner Fay asked if the homeowners did a noise study of their own. Mr. Baugh stated they did not do a study but a noise estimation. Commissioner Fay understood they couldn't do a noise study because they didn't go on site. Why?

Mr. Baugh advised that they requested to do a noise study when Trilogy was hosting a fundraising event for Gilbert Fire on the property. The community association felt it would not be proper to do a noise study at that time and suggested they request another time. They have never requested another opportunity to come back to perform that study.

Commissioner Fay read in the packet that the Trilogy Board said if Dr. Willis went on the property they would have him arrested for trespassing. Why do that if you are not trying to manipulate the data?

Mr. Baugh stated they are not trying to manipulate the data. Doing a noise study during a fundraising event would be a skewed study as it does not represent the regular time and course of play.

Commissioner Fay felt that was something that could have been included in the presentation to say that Dr. Willis' study was done next to a fire truck or during a fundraising event. Trilogy actually prevented him altogether from doing any study.

Mr. Baugh did not feel that was an accurate statement. He offered to bring up a Trilogy Board member to explain the invitation extended for them to come back and perform that study at a more appropriate time.

Wayne Norlie, Trilogy Board member, explained that the Board stated in a letter to Dr. Willis that the Association would be happy to arrange a date and time for testing to occur, but the charity event for local firefighters is simply not the forum. The board was more than happy to have him and offered multiple times. That offer was brought up in open meetings that he attended. He never came back to the Board at all to request the opportunity to have measurements taken.

Commissioner Fay stated the issue as represented in the packet and in some of the public comment is that if he has to do it at your invitation, he has to do it in a circumstance that is under your control. He would agree that the Board would not want a study being done during a fundraising event or during a meteor storm or when there are sirens going off. Although the Board could easily point out if he did that it would be a defective study. What would be the problem with Dr. Willis going on his own time and remove the possibility that you are manipulating the data. If he can only go when you are inviting him, you open the door to the argument that the reason you are doing that is to control when he can take measurements.

Mr. Norlie stated they had offered to have him come whenever he would like except that day of the fundraising event. When we first started this process, we had a conference call and asked him if he had taken any measurements and he said no.

Commissioner Fay asked for clarification that he could come back any time, just not during the fundraising party and that the statement that he would be arrested for trespassing only applied to the charity event?

Mr. Norlie stated that was correct. He could have come back at any time except during the charity event for the Gilbert and Queen Creek Fire Departments and the arrest warning only applied to that event.

Commissioner Fay felt that was different than the way it was portrayed. His questions have been answered.

Commissioner Mundt did not want to beat a dead horse, but wanted to understand something about the noise study since there was an acoustic engineer in the house. If we are talking about noise that is happening in people's homes, is it even important to be on courts if you were looking to portray that in my home I am having far too much noise: Wouldn't it stand to reason that you would simply go to a person's home during this event and take readings. He was confused with why it would matter what the noise is directly on the court versus in a home.

Chair Bloomfield believed the Town's noise ordinance specifies that it is the noise level in a home with the windows closed.

Vice Chair Simon understood that there is already pickleball happening and there are already 8 courts being played. All that is being done is adjusting the position of those courts. Nothing else is changing?

Mr. Baugh stated there are 8 courts presently today and there would be 8 courts once this is approved. We are rearranging the open space and the access.

Vice Chair Simon felt theoretically the sound is not changing but steps are being taken to reduce the sound that is already there.

Mr. Baugh advised they would be adding the sound wall and shifting some of the courts a little further away than they are today.

PUBLIC COMMENT

Chair Bloomfield opened the floor to the public for comments.

Ian Welsh, Executive Director for Trilogy at Power Ranch, has been with them since 2010. He thanked the Commission for their patience and for reading through the copious documentation from the Trilogy Board, management, consultants, as well as concerned residents. He has a background in tennis. Pickleball has been played on the east side since 2012 and the courts have deteriorated to the point of no return. They need to be replaced with a post-tension concrete surface overlayed on a subsurface asphalt. They were converted to synthetic grass which didn't work. They were then converted to a rubberized surface that did not work. It is now time for the Board of Directors of the community to bite the bullet and put down a state of the art tennis and pickleball amenity with restroom facilities. Access to restrooms on the east side for pickleball and tennis players is non-existent today. Players sneak over into the private restaurant to use the restroom, which is not appropriate. On the east side right now we have 8 pickleball courts bundled on 2 tennis courts. They are not the exact size that an individual pickleball court would be built. We will build 8 state of the art pickleball courts that are separate. We are actually disbursing somewhat the density of play. Instead of having 8 pickleball courts on 2 tennis, we will now have 8 individual pickleball courts and they will be moved further to the west. He felt a sound study did need to be done. The comment on the noise abatement

in the home was exactly correct. This Board, the community, the pickleball club, and 75 percent of the community need, want, and have supported this amenity. He hoped for a favorable response tonight.

Scott Bittner, property owner, spoke on behalf of himself and the concerned neighbors of Trilogy. This issue has been debated with power struggles and egos. Trilogy not only wants but needs to expand the pickleball courts, however not under this plan. Yes, an alternative plan was submitted by the neighbors and rejected by the Board of Directors for a good cause. However, what was omitted was that there was another plan submitted that corrected the shortfalls. For four and a half years the Director and the Board have refused to have a sit-down face to face meeting. Instead, they sent their attorney with a new plan that would move the courts further. He was excited until Dr. Willis, a nationally recognized expert in pickleball sound and abatement said it would have little impact. The plan created two more dedicated courts which would exacerbate the problem. The plan came with a legal agreement that required the neighbors to drop all current and future objections. We were given four and a half days to respond. We had no choice but to reject that contract. Splitting the courts between the parking lots is a viable solution. The objection to this is a veiled safety concern crossing the parking lot. He has never heard anyone say they won't go to their favorite restaurant, the grocery store or a house of worship because they don't want to cross the parking lot. These are not elementary school children crossing the 202 to get to the playground. Sound is the greatest concern. He was sure MD Acoustics that conducted the sound test is a fine firm. However, it appears they have relieved themselves of any liability. In their own documentation, it states we did not nor were we hired to measure the impulse sound of the paddle against the ball. This is the loudest and most objectionable noise that will violate the Town's code pertaining to decibels. MD Acoustics stated that the sounds inside the adjacent homes will be similar to that of a ping pong table in an adjoining room. Can you imagine trying to watch television, read a book, have a conversation, or try to sleep with an average of 29 paddle strikes per minute on each court? This will absolutely violate the Town's nuisance sound ordinance. To his knowledge, MD has never retracted, denied, or amended their statement. The Town of Gilbert is a gem in the crown of Arizona. Hundreds of cities have exactly the same ordinances and codes. The reason Gilbert stands high is that the Commissioners have employed common sense in their decision-making progress. He asked that the Commission use this common sense this evening to protect and provide and exercise their charge not to diminish the quality of life of residents and not bend to the wishes of a sports club.

Rocky Hessen, resident, has been involved in the Trilogy community for the past 19 years. His parents purchased a retirement home here and he and his wife moved here shortly thereafter. He has been very active in the community and is familiar with all the issues they have been dealing with over the years. He wanted to address the issue with regard to the fundraising tournament. He was contacted by the Queen Creek Fire Department and was asked if Trilogy would be interested in hosting a tournament to raise funds for fallen firefighters as well as their charity sports programs. His response was absolutely they would do that. The Board asked if he was willing to let them do some sound measurements during that tournament. He preferred not to do it the day of the tournament, but stated he would fill the courts up any other day with pickleball players. The event had 400 firefighters represented from Gilbert, Queen Creek, Tempe, Scottsdale, Phoenix, and many other communities. There were trucks, concessions, and kids playing street hockey in the parking lot. About \$5,000 was raised in 4 hours. They wanted to take measurements during that period of time because they knew all of that was going on and were trying to take advantage of that. He asked that they please not do this during the fundraiser. Come out tomorrow and he will fill the courts. It was a disingenuous move on their part. The current board as well as their predecessors have done a great job in maintaining this community and improving all of the amenities for the benefit of the residents. It is a great place to live and it gets better every year. Homes sell within a matter of days or hours. A small group of residents, who are fine folks, are very critical of everything this Board and previous boards have done over the years. Every improvement or renovation, including the fitness center, pool deck repair, remodeling the ballroom, installing new audio-visual systems, the new parking lot, and landscaping. It is always the

same few people and there is correspondence from them. They now have this Nextdoor social media platform and they continue to publicly criticize our elected volunteers. It is the same with the sport court project. Our Board has worked on this for the past four or more years. They have held several informational exchanges with residents on this project. The Gilbert Town Council has attended one in which the majority of the residents were in favor of the project. The Board has been very receptive to the few concerns from homeowners and has met personally with them. They made adjustments to further mitigate homeowners' concerns as seen in this final site plan. He appreciated the opportunity to speak and appreciated the commissioners' service to the Town of Gilbert which continues to be nationally recognized as a great place to live and raise a family.

Dr. Lance Willis, Spendiarian & Willis Acoustics & Noise Control in Tucson, was asked to comment by concerned neighbors in regard to the noise issue for the proposed pickleball courts. He submitted a letter dated October 22, 2020 detailing issues with the proposed plan. It didn't sound like the Commission had a chance to review that letter and he hoped they would take the time to read and understand it in its entirety. He has a PhD in engineering acoustics, 15 years experience in consulting in environmental acoustics and noise control, and 10 years experience creating noise abatement plans for pickleball courts. In that time, he has never seen pickleball courts placed this close to single-family homes that did not generate noise complaints with or without a sound wall. This is a challenging site to integrate pickleball into. There are a lot of activities planned for a very small area. He has said from the beginning there is a way to plan the site for pickleball such that there is minimal noise impact for the surrounding homes. A key part of achieving this goal is moving the loudest activity away from the noise sensitive areas. A sound wall can only do so much. Buffer distance is critical. The main concern in regard to noise from the pickleball court is the impulsive sound produced by the impact of the hard plastic ball on the paddle. This component of the sound has not been addressed by the noise impact studies prepared by Trilogy and MD Acoustics. This has been confirmed in a letter from MD Acoustics dated July 9, 2019. He quoted from that letter: "MD was not hired to measure the impulsive sound of pickleball paddle impacts, nor was MD hired to predict community response to impulsive sound." As a result, pickleball courts have been located too close to homes on the east and north side of the proposed courts. Since the impulsive component of the sound and the directionality of the paddle impacts have not been considered, the limited sound wall planned on the east side of the courts will not provide sufficient shielding to homes to the east and north. The analysis by MD Acoustics has focused on section 42-61(e) of the Gilbert Town Code, but has ignored section 42-64. "Notwithstanding any other provision in this chapter, and in addition thereto, it shall be unlawful for any person without justification to make or continue or cause or permit to be made or continue any unnecessary excessive or offensive noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area." He drew attention to the term annoyance in section 42-64(a). In the field of environmental acoustics and noise control, this term has a specific and quantifiable meaning. Section 42-64(b) of the Code requires that the impulsiveness of the sound must be considered. This has not been done. He urged the Commission not to approve the site plan as proposed and to adopt an assessment that includes the impulsive sound which has been the primary concern since the beginning.

Leslie Shaughnessy apologized that the Commission has to continue to listen to this ongoing scenario. This meets the criteria under the Town of Gilbert and is a necessary update. The nonsense that is going on within Trilogy comes with a bunch of old people that have far too much time on their hands. We currently have pickleball being played. All this is doing is updating the facility to be a better and safer facility. It will probably be slightly quieter. With all due respect to Dr. Willis, he makes all sorts of statements and comes across thrashing his credentials, but he hasn't done any measurements. We have a team that has done measurements. We are talking about a few houses just beside the walkway. There is a golf cart path, a chipping green, a parking lot, and a restaurant. For them to make a statement that pickleball is the main

cause of concern is absurd. She would like the Commission to consider all of the work that has gone into this in order to meet the needs and to bring Trilogy current and up to date. She plays pickleball throughout the entire Valley and could name forty 55-plus communities that all have homes right up beside the pickleball courts. She would love to walk out her back door and play pickleball. What was presented by Ms. MacDonald and Mr. Baugh is facts. There has been a ton of work to accommodate, which wasn't necessary but done out of the goodness and kindness of the heart of our Board and to recognize the very small percentage, 5 houses, that perhaps have concerns. She hoped this project would be approved.

With no further requests to speak, Chair Bloomfield closed the public hearing and brought the discussion back to the dais.

COMMISSION DISCUSSION

Commissioner Andersen advised that the applicant is typically given an opportunity to respond to the public comment. Mr. Baugh declined to respond at this time.

Commissioner Mundt stated if pickleball has been played there for a number of years and there is this massive impact that Dr. Willis referred to, why are there not a myriad of violations of Gilbert town code. He had a hard time understanding how it's definitive that this sound clearly is going to violate the code. If he were an individual trying to block a pickleball court from being built because of sound, he would probably have gotten violations within a docket to present as an objection. From his perspective, it seems hard to understand how this sound can be so terribly impactful yet there are not any violations to the current code.

Commissioner Jones visited Trilogy this morning and noted the courts are currently not in great condition and will need to be replaced. He thought adding restrooms seemed like a necessary amenity with how much traffic is at the courts. He tried to get a feel for the noise and was quite surprised. Having read the packet, he thought there would be much more noise but found that not to be the case as he sat along the eastern perimeter near these homes. They will of course do some additional landscaping. Regardless of what this Commission decides, pickleball will continue to be played. He felt it would be a positive improvement.

Commissioner Blaser echoed what has been shared from the Commission and would be in support of approval.

Vice Chair Simon also echoed what has been said. The applicant has made concessions by reducing the pickleball courts from 10 to 8. He agreed with Commissioner Mundt that if there were sound violations we would have seen those already. To Dr. Willis' point, his letter is in the packet and the Commission has read it. He appreciated Dr. Willis' insight. He felt this was a definite improvement and will definitely be voting in favor.

Chair Bloomfield called for a motion.

MOTION: Simon moved to approve the Findings of Fact and approve DR19-128 Trilogy at Power Ranch Tennis and Pickleball Complex: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials, for approximately 5.74 acres, located at 4369 E. Village Parkway, and zoned Public Facilities/Institutional (PF/I) with a Planned Area Development (PAD) overlay zoning district; seconded by Commissioner Fay. **Motion passed 7-0.**

18. GP20-03 TOWN ON GERMANN: Request for Minor General Plan Amendment to change the land use classification of approx. 14.53 acres generally located south and west of the southwest corner of Lindsay Rd. and Germann Rd. from Business Park (BP) to Residential >14-25 DU/Acre land use classification.

19. Z20-08 TOWN ON GERMANN: Request to rezone approx. 14.53 acres generally located south and west of the southwest corner of Lindsay Rd. and Germann Rd. from Business Park (BP) zoning district to Multi-Family/Medium (MF/M) zoning district.

STAFF RECOMMENDATION

A. Recommend to the Town Council approval of GP20-03, to change the land use classification of approx. 14.53 acres generally located at the southwest corner of Lindsay Rd. and Germann Rd. from General Office (GO) to Residential >14-25 DU/Acre land use classification; and

B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z20-08 rezoning approx. 14.53 acres generally located at the southwest corner of Lindsay Rd. and Germann Rd. from Business Park (BP) zoning district to Multi-Family/Medium (MF/M) zoning district, subject to the following conditions.

- a. Dedication to Gilbert for Silverado Street rights-of-way that are required to connect the Property to Germann Road shall be completed prior to or at the time of recordation of the final plat as required by the Town Engineer. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
- b. A Secondary emergency access route shall be provided in a form per the following agreement acceptable to with the Town Fire Marshall prior to recordation of the final plat in substantial conformance with Attachment #8 or another form acceptable to the Town Fire Marshall.
- c. Dedication of Silverado Street shall be of sufficient width to allow for turning movements at the intersection of Silverado and Germann and shall be dedicated as public right-of-way prior to issuance of a building permit or approval of construction on the property, provide for a minimum 33 foot pavement width (face of curb to face of curb) elsewhere. Widths and minimum dimensions to be approved by the Town Traffic Engineer.
- d. Construction of off-site improvements to Silverado Street connecting the Property to Germann Road shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property or at the time requested by Gilbert, whichever is earliest.
- e. Prior to recordation of the Final Plat, Developer shall enter into a Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert 50 43% of the estimated costs of design and construction of a future traffic signal at the intersection of Germann and Silverado. This in conformance with signal warrants stated in the provided Traffic Impact Analysis prepared by United Civil Group on October 20, 2020. Payment shall be made the earlier of issuance of a certificate of occupancy or final approval of a building constructed on the Property.
- f. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.

- g. ~~To the extent that any landscaping, open space, recreational facility, private street, utility, or other facility is held in common ownership, Developer shall create a Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of said all common areas and open space areas, as required by the Town of Gilbert Land Development Code, and landscaping within the rights of way.~~
- h. ~~Developer shall record easements to be owned by the POA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.~~
- i. ~~Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer.~~
- h. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code.
- i. The maximum number of dwelling units shall be limited to the maximum allowed under the Gilbert General Plan.

Planner Keith Newman presented GP20-03 and Z20-08 Town on German, located south of the southwest corner of Lindsay and Germann Roads. It was brought before the Commission last month as a Study Session item. On this 14.5 acres site, the applicant is proposing to change the General Plan designation from General Office (GO) to Residential 14-25 DU/Acre and a conventional rezone from Business Park (BP) to Multi-Family/Medium (MF/M) 14-25 DU/Acre, which is the same General Plan designation and zoning as the Liv community development and apartments to the west.

The conceptual site plan is not being approved with this zone change, but will come forward through a separate Design Review case at a later date. Since this is a conventional zone change, we do not approve a development plan. The conceptual site plan is just for reference only. They are proposing 207 units at an average 14-25 DU/Acre.

The owner has owned this property for 35 years and has been unable to generate interest from employment users despite the success of nearby Light Industrial projects and the prospect of a new freeway interchange. Due to the site's poor access, the considerable setback from Germann Road, and the prospect of potentially placing 24/7 type business operations so close to existing residential to the south, it is just not a viable use for this site any longer. The applicant believes that Multi-Family is a more compatible use in this area, especially considering the fact that there is an existing multi-family residential development just to the west that is currently under construction. Those are the reasons for proposing a rezone and change to the General Plan designation.

At the last Study Session, a few concerns were brought up by the Commission regarding emergency access and traffic. The applicant has agreed to an emergency fire access plan with the fire marshal. There is only one way into this community off of Silverado Court. There are two entrances to the site. Emergency access would need to use the industrial property to the west. There is a revised condition and an exhibit regarding the agreement with Gilbert Fire that the Industrial and Multi-Family projects are required to connect per the approved site plans. Two additional fire hydrants will be added to Silverado at the project entrances. All of the townhomes will have a fire sprinkler system. The total traffic generation for the site as currently proposed was discussed during Study Session. Commissioner Fay had asked for traffic generation numbers, which are included in the staff report. This project will generate 1,500 daily trips, including 95 trips in the

morning peak and 116 in the evening peak. Traffic information for the industrial development to the west shows approximately 271 trips in the morning peak and 279 in the evening peak. The primary access for the industrial development will be off of Germann Road with a secondary access off of Mustang Road and potentially off of Silverado Court, although Silverado will be primarily used by the proposed Town on Germann development.

A neighborhood meeting was held in June. A few concerns were voiced regarding fencing along the ditch adjacent to the southern boundary, the hours of the amenities, lighting, where balconies would face, and appropriate buffer along the south boundary. These items will definitely be addressed by the applicant during the Design Review stage to resolve the concerns of the citizens in the area. Staff requests that the Commission forward a favorable recommendation to Town Council for the General Plan Amendment and rezone. An addendum has been provided to the Commission through email regarding changes to the conditions of approval. Staff is available to answer any questions regarding those conditions.

APPLICANT PRESENTATION

Ben Cooper, Norris Design, represents the applicant, Family Development Group. He thanked staff for working with them and thanked the Planning Commission for their feedback and guidance at the Study Session. He is excited to bring this luxury lease townhome project to this parcel and believe it is the right place and the best use that can be envisioned for this area. The project has support from town staff and the Gilbert Chamber of Commerce. There has been no neighborhood opposition. He looked forward to bringing forth the DR case with plans for a pre-application filing this month. He asked for a favorable recommendation from the Planning Commission.

COMMISSION QUESTION/ COMMENTS

Commissioner Andersen stated this project reminded him of another case the Commission saw two or three years ago for a rezone from Business Park or Industrial at Warner and Recker by the Rockefeller Group. They had owned the land for many years and could not find anyone to build per that use. Land owners want to develop their land. It is the same case here. They have owned this site for 35 years and there has been no interest in Business Park uses. There is multi-family to the west of this site. This request makes sense to him.

Commissioner Mundt noted the concerns brought up in the Study Session have been thoroughly vetted. He is in favor of this case as well.

Chair Bloomfield opened the floor for public comment. The phone lines were opened. There was no public comment. Chair Bloomfield closed the public hearing and called for a motion.

MOTION: Commissioner Andersen moved to recommend to Town Council approval of GP20-03, a Minor General Plan Amendment; seconded by Vice Chair Simon. **Motion passed 7-0.**

MOTION: Commissioner Andersen, for the reasons set forth in the staff report, moved to recommend approval to the Town Council for Z20-08, as requested, subject to the conditions listed in the staff report; seconded by Vice Chair Simon. **Motion passed 7-0.**

ADMINISTRATIVE ITEMS

20. Planning Commission Minutes - Consider approval of the minutes of the Study Session and Regular

Meeting of October 7, 2020.

MOTION: Vice Chair Simon moved to approve the minutes of the Study Session and Regular Meeting of October 7, 2020; seconded by Commissioner Fay. **Motion passed 7-0.**

COMMUNICATIONS

21. Executive Session – The Public Body may convene into an executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03.A.3.

An Executive Session was not held.

22. Report from Chairman and Members of the Commission on current events:

Chair Bloomfield looked forward to hearing all of the election results over the next few days or weeks. He looked forward to the Thanksgiving holiday and encouraged everyone to take the time to be thankful for all of the blessings we enjoy every day. He was grateful for staff and the Commissioners and appreciated their time and efforts serving the town.

23. Report from Planning Services Manager on current events:

Eva Cutro wished everyone a safe Veterans Day and a happy Thanksgiving.

ADJOURNMENT

With no further business before the Planning Commission, Chair Bloomfield adjourned the Regular Meeting at 8:06 p.m.

Carl Bloomfield, Chairman

ATTEST:

Dana Desing, Recording Secretary